

***In the Claims:***

The following listing of claims will replace all prior versions, and listings, of claims in the application. Please add new claims 32-42. Please cancel claims 1-8 and 18-31. Currently amended claims are shown with additions underlined and deletions in ~~striketrough text~~. No new matter is added by this amendment.

1.-8. (Cancelled)

9. (Previously presented) An ear warmer, comprising:

a frame including a band portion and an ear portion, the ear portion having a length and including a first portion and a second portion, the ear portion having a longitudinal plane, the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion.

10. (Previously presented) The ear warmer of claim 9, wherein the band portion includes a first member and a second member, the first member of the band portion has a first end portion and a second end portion, the second end portion of the first member is slidably coupled to the second member of the band portion, the ear portion is coupled proximate the first end portion of the first member of the band portion.

11. (Previously presented) The ear warmer of claim 9, wherein the ear portion is tapered from the first portion of the ear portion to the second portion of the ear portion.

12. (Previously presented) The ear warmer of claim 9, wherein a thickness of the first portion of the ear portion is greater than a thickness of the second portion of the ear portion.
13. (Previously presented) The ear warmer of claim 9, wherein the band portion has a first member and a second member, the first member includes a first end and a second end, the second end of the first member is slidably coupled to the second member of the band portion, the first member of the band portion has an outer surface, the outer surface of the first member of the band portion includes a plurality of recesses configured to communicate with an end of the second member of the band portion.
14. (Previously presented) The ear warmer of claim 9, the ear portion including a projection and defining an opening, the projection extending into the opening, the ear warmer further comprising:  
a molding gate located on the projection.
15. (Previously presented) The ear warmer of claim 9, further comprising:  
a shell having a cavity, at least a portion of the frame being disposed within the cavity of the shell.
16. (Previously presented) The ear warmer of claim 9, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least two-thirds the length of the ear portion.
17. (Previously presented) The ear warmer of claim 9, wherein the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum are at least four-fifths the length of the ear portion.
18. – 31. (Canceled)

32. (New) An ear warmer frame, comprising:
  - a band portion; and
  - an ear portion configured to be coupled to the band portion, the ear portion defining a longitudinal plane and having a first portion and a second portion, the first portion having a radius of curvature about a first axis substantially orthogonal to the longitudinal plane, the second portion having a radius of curvature about a second axis substantially orthogonal to the longitudinal plane, the radius of curvature of the first portion being different than the radius of curvature of the second portion.
33. (New) The ear warmer frame of claim 32, wherein the first axis is spaced apart from the second axis.
34. (New) The ear warmer frame of claim 32, wherein the ear portion has a third portion different from the first portion and the second portion, the third portion defining a longitudinal centerline substantially linear within a plane substantially parallel to the longitudinal plane.
35. (New) The ear warmer frame of claim 32, wherein the first portion and the second portion are monolithically formed.
36. (New) The ear warmer frame of claim 32, wherein a thickness of the first portion of the ear portion is different than a thickness of the second portion of the ear portion.
37. (New) The ear warmer frame of claim 32, wherein the ear portion has a length, the first portion of the ear portion has a length, the second portion of the ear portion has a length, the length of the first portion and the length of the second portion collectively being at least half the length of the ear portion.
38. (New) The ear warmer frame of claim 32, wherein the ear portion has a length associated with an axis substantially parallel to the longitudinal plane, the first portion of the ear

portion has a length associated with an axis substantially parallel to the longitudinal plane and the second portion of the ear portion has a length associated with an axis substantially parallel to the longitudinal plane, the length of the first portion and the length of the second portion collectively being at least two-thirds the length of the ear portion.

39. (New) The ear warmer frame of claim 32, wherein:

the first portion has a radius of curvature about a first axis substantially parallel to the longitudinal plane; and

the second portion has a radius of curvature about a second axis substantially parallel to the longitudinal plane.

40. (New) An ear warmer, comprising:

a frame including a band portion and an ear portion, the ear portion defining a longitudinal plane and having a first configuration in which a portion of the ear portion has a first radius of curvature about an axis substantially orthogonal to the longitudinal plane and a second configuration in which the portion of the ear portion has a second radius of curvature about the axis substantially orthogonal to the longitudinal plane, the second radius of curvature being greater than the first radius of curvature.

41. (New) The ear warmer of claim 40, wherein the second radius of curvature is such that the portion defines a centerline substantially linear within a plane substantially parallel to the longitudinal plane.

42. (New) The ear warmer of claim 40, wherein the portion is a first portion and the axis substantially orthogonal to the longitudinal plane is a first axis, the ear portion further having a second portion, the second portion having a first radius of curvature about a second axis substantially orthogonal to the longitudinal plane when the ear portion is in its first configuration and a second radius of curvature about the second axis substantially orthogonal to the longitudinal plane when the ear portion is in its second configuration,

the second radius of curvature of the second portion being greater than the first radius of curvature of the second portion.